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08/811,648	03/05/1997	DAN KIKINIS	P1523CIP	1380

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EXAMINER

VAUGHN JR, WILLIAM C

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 03/08/2004

40

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. 40

Application Number: 08/811,648
Filing Date: March 05, 1997
Appellant(s): KIKINIS, DAN

Donald R. Boys, Reg. No. 35,075
For Appellant

MAILED

MAR 08 2004

Technology Center 2100

EXAMINER'S ANSWER

This is in response to the appeal brief filed 06 February 2004.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

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(2) *Related Appeals and Interferences*

The brief does not contain a statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief. Therefore, it is presumed that there are none. The Board, however, may exercise its discretion to require an explicit statement as to the existence of any related appeals and interferences.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

No amendment after final has been filed.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of Claims*

The rejection of claims 1-4, 7-9 and 14-17 stand or fall together because appellant's brief does not include a statement that this grouping of claims does not stand or fall together and reasons in support thereof. See 37 CFR 1.192(c)(7).

(8) *Claims Appealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) *Prior Art of Record*

6,069,899

Foley

05-2000

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-4, 7-9 and 14-17 are rejected under 35 U.S.C. 103(a). This rejection is set forth in prior Office Action, Paper No. 37.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1-4, 7-9 and 14-17** are rejected under 35 U.S.C. 103(a) as being unpatentable over Goodman, U.S. Patent No. 5,844,596 in view of Foley, U.S. Patent No. 6,069,899.

3. Regarding **claim 1**, Goodman discloses the invention substantially as claimed. Goodman discloses *a networking system for a home or business site* [see Goodman, Abstract, Col. 3, lines 1-56], *comprising: a bridge adapter unit at the home or business site* [see Goodman, item 400] *having an inlet port for receiving signals* [see Goodman, Col. 8, lines 9-10]; *and a telephone wiring structure in the site, the wiring structure having multiple end points and one or more junctions* [see Goodman, Col. 8, lines 1-25]. Even though, Goodman does disclose a system that allows for distribution of other signals to a local network of an active telephone line and that the signals that are received are in the form of a local area network protocol. However, Goodman does not explicitly disclose the specifics of a bridge adapter unit receiving public network

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protocol signals and that the bridge adapter unit drives telephone wiring structure according to a local area network (LAN) protocol, translates all received public network protocol signals, regardless of protocol, to the single LAN protocol and modulates the signals in a manner to correct signal variations at the end points due to having multiple end points drive from a single point at the bridge adapter unit.

4. In the same field of endeavor, Foley discloses (e.g., home area network system and method). Foley discloses *a bridge adapter unit receiving public network protocol signals* [see Foley, Col. 12, lines 1-24] *and the bridge adapter unit driving the telephone wiring structure according to a local area network (LAN) protocol, translates all received public network protocol signals, regardless of protocol, to the single LAN protocol, and modulates the signals in a manner to correct signal variations at the end points due to having multiple end points driven from a single point at the bridge adapter unit* [see Foley, Col. 6, lines 23-60, Col. 8, line 10, 35-50, Col. 13, lines 45-67 and Col. 14, lines 1-16].

5. Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Foley's teachings of a home network system and method with the teachings of Goodman, because of the need to provide a cost of not having to install new wiring with an infrastructure by utilizing the existing wiring infrastructure within the home network without disrupting conventional telephone services [see Foley, Col. 2, lines 26-40 and Col. 3, lines 20-26]. Goodman would have been motivated to do so, since he states that the invention further adds to techniques for distribution of signals to a local area network of active telephone wiring [see Goodman, Col. 1, lines 55-67]. By this rationale **claim 1** is rejected.

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6. Regarding **claim 2**, Goodman-Foley further discloses *one or more converters* [see Goodman, item 452] *connected at individual ones of the end points, the one or more converters comprising each an outlet port to connect to a single-media or a multimedia device, the converters converting the LAN signals to a form required by the single-media or multi-media device* (Goodman teaches converters that convert signals from voice-band and transmits them through filters to local network where they communicate with the telephone device), [see Goodman, Col. 4, lines 60-67, Col. 5, lines 1-15, Col. 11, lines 65-67, Col. 12, lines 1-8 and Col. 54, lines 56-67]. By this rationale **claim 2** is rejected.

7. Regarding **claim 3**, Goodman-Foley further discloses *one or more single-media or multi-media devices connected to one or more of the converters* [see Goodman, Figures 1a, items 404a-b, items 419a, 494b-c]. By this rationale **claim 3** is rejected.

8. Regarding **claim 4**, Goodman-Foley further discloses *wherein the single-media and multi-media electronic devices include one or more of telephones* [see Goodman, item 414a] *personal computers* [see Goodman, item 495c] *fax machines* [see Foley, Col. 5, lines 43-49] *and televisions running through set top boxes* [see Goodman, Figure 15, Col. 9, lines 47-54]. By this rationale **claim 4** is rejected.

9. **Claims 7-9**, list all the same elements of **claims 1-4**, but in method form rather system form. Therefore, the supporting rationale of the rejection to **claims 1-4** applies equally as well to **claims 7-9**.

10. Regarding **claims 14 and 17**, Goodman-Foley further discloses *wherein individual ones of the converters are internal modules of individual ones of the single-media or multimedia devices* [see Goodman, Col. 15, lines 16-60]. By this rationale **claims 14 and 17** are rejected.

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11. Regarding **claims 15 and 16**, Goodman-Foley further discloses *wherein individual ones of the converters are integrated into individual ones of the single-media or multi-media devices* [The Examiner takes Official Notice (see MPEP 2144.03)]. By this rationale **claims 15 and 16** are rejected.

Claim Rejections - 35 USC § 102

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

13. **Claims 1-4, 7-9 and 14-17** are rejected under 35 U.S.C. 102(e) as being anticipated by Foley, U.S. Patent No. 6,069,899.

14. Regarding **independent claims 1 and 7** (e.g., exemplary independent claim 1), Foley discloses *a networking system for a home or business site* [see Foley, Col. 2, lines 42-64], *comprising: a bridge adapter unit at the home or business site, having an inlet port for receiving public protocol signals* (Foley teaches a telephone network interface which is the demarcation point between the customer premises and the subscriber loop), [see Foley, Col. 5, lines 38-52, Col. 6, lines 7-32, Col. 7, lines 29-50 and Col. 12, lines 1-24]; *and a telephone wiring structure in the site, the wiring structure having multiple end points and one or more junctions, and connected at a single point to an outlet port of the bridge adapter unit* (Foley teaches that the HAN modem is able to receive not only POTS service signals but also xDSL signals), [see

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Foley, Figure 3, items 301, 308, Col. 11, lines 65-67, Col. 12, lines 1-67 and Col. 20-36];

characterized in that the bridge adapter unit drives the telephone wiring structure according to a Local Area Network (LAN) protocol, translates all received public network protocol signals, regardless of protocol, to the single LAN protocol, and modulates the signals in a manner to correct signal variations at the end points due to having multiple end points driven from a single point at the bridge adapter unit [see Foley, Col. 6, lines 23-60, Col. 8, lines 10, 35-50, Col. 13, lines 45-67 and Col. 14, lines 1-16]. By this rationale independent claims 1 and 7 are rejected.

15. Regarding **dependent claims 2-4, 8, 9 and 14-17**, the limitations of these claims are taught within the figures and specification of Foley.

(11) Response to Argument

Issue 1) Applicant argues that Foley does not teach bridge adapter unit receiving public network protocol signals and that the bridge adapter unit drives telephone wiring structure according to a local area network (LAN) protocol, translates all received public network protocol signals, regardless of protocol, to the single LAN protocol and modulates the signals in a manner to correct signal variations at the end points due to having multiple end points drive from a single point at he bridge adapter unit. Applicant further states that the conversion that is being done by Foley is frequency conversion instead of protocol conversion.

As to Issue 1)

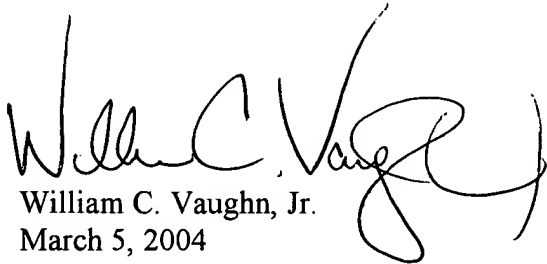
It is the Examiner's position that Goodman-Foley in combination specifically shows receiving multiple signals simultaneously, utilizing the same wiring infrastructure at a customer premises [see Foley, Col. 10, lines 35-51]. Goodman-Foley further teach that at the transceiver switch

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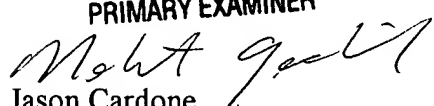
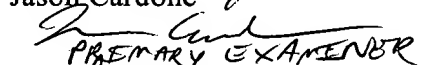
sends signals across pairs (405a-405c) to local network interfaces which converts the signals as necessary to enable them to be transmitted over respective local networks [see Goodman, Col. 39, lines 12-26]. Goodman-Foley also teaches that receive signals that are required for a particular LAN can be received in that form such as Ethernet signal [see Goodman, , Col. 39, lines 26-47].

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,


William C. Vaughn, Jr.
March 5, 2004

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